

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Daniel Wolf

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott M. Pollins, Pollins Law, 303 W. Lancaster Ave.,
Ste. 1C, Wayne, PA 19087, 610-896-9909

DEFENDANTS

Trek Retail Corporation

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Eric J. Bronstein - Lewis Brisbois in Wayne, PA

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title VII and 42 USC Section 1981

Brief description of cause:

Retaliatory termination of employment

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$1

Unliquidated

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

3/10/22

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 2133 Watkins Street, Philadelphia, PA 19145
 Address of Defendant: 73 Old Dublin Pike, Doylestown, PA 18901
 Place of Accident, Incident or Transaction: 73 Old Dublin Pike, Doylestown, PA 18901

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 3/10/22

Attorney-at-Law / Pro Se Plaintiff

PA76334

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury *(Please specify):* _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Scott M. Pollins, counsel of record or pro se plaintiff, do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☒ Relief other than monetary damages is sought.

DATE: 3/10/22

Attorney-at-Law / Pro Se Plaintiff

PA76334

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANIEL WOLF Plaintiff v. TREK RETAIL CORPORATION Defendant	: : : : :	CIVIL ACTION NO. JURY TRIAL DEMANDED
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COMPLAINT

I. INTRODUCTION

1. Plaintiff, Daniel Wolf (Wolf), is suing his former employer, Trek Retail Corporation (Trek), because Trek terminated Wolf after he complained about his manager's discriminatory behavior. Wolf brings his case under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), *et seq.*, as amended by the Civil Rights Act of 1991 (Title VII), 42 U.S.C. § 1981 (Section 1981), the Pennsylvania Human Relations Act, 43 Pa.C.S.A. § 951 *et seq.* (PHRA), and the Doylestown Borough Anti-Discrimination Ordinance (Chapter 1, Part 3, §§ 359(2) and 363). Wolf seeks back pay, front pay, loss of benefits, compensatory, punitive and exemplary damages, interest, costs, negative tax consequence damages, injunctive and declaratory relief and attorneys' fees from Trek.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction over Wolf's federal claims pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4) and 42 U.S.C. § 2000e-5(f). Furthermore, this Court has jurisdiction over Wolf's state and local law claims pursuant to 28 U.S.C. § 1367(a).

3. Wolf has exhausted all remedies available to him as set forth in Title VII, the PHRA and the Doylestown Borough Anti-Discrimination Ordinance, by filing a timely

charge of employment discrimination with the Equal Employment Opportunity Commission (EEOC). Wolf's charge was dual filed with the Pa. Human Relations Commission (PHRC). The EEOC issued a notice of right to sue to Wolf on , 2022. This action is filed within 90 days of Wolf's receipt of the EEOC's notice of right to sue.

4. Venue is proper in the Eastern District of Pa. because Wolf's claims arose in this judicial district.

III. PARTIES

5. Wolf is a white male residing in Philadelphia.

6. Trek manufactures bicycles and operates retail locations throughout the United States. Trek is headquartered in Waterloo, Wisconsin.

7. Upon information and belief, Trek's annual revenues are in excess of \$1,000,000,000 (One Billion Dollars) and Trek has more than 4,000 employees.

8. Trek is an employer within the meaning of Title VII, the PHRA and the Doylestown Borough Anti-Discrimination Ordinance.

IV. FACTS

9. Wolf worked at Trek's retail store in Doylestown, PA from March 2019 through January 13, 2020.

10. Michael Wyatt (Wyatt) was the store manager of Trek's Doylestown store.

11. Throughout Wolf's tenure at Trek, Wyatt repeatedly made Wolf and his co-workers feel uncomfortable. Wyatt made racially offensive comments, including calling

rap music ‘n***er music’¹. Wolf made many anti-immigrant comments, including how we needed a wall because illegal immigrants were ruining the country.

12. Wolf finally had enough of Wyatt’s discriminatorily offensive conduct and in early January 2020 he emailed Wyatt’s manager, District Manager David Noonan (Noonan). In Wolf’s email to Noonan, he told him that he wanted to speak with him about issues he was having at the shop and he was interested in working at another Trek store in the area.

13. A day or so later, Wolf spoke with Noonan. He told Noonan that Wyatt was making his co-workers uncomfortable with his racist actions and anti-immigrant rants.

14. Noonan brushed off Wolf’s complaints and suggested they have a meeting to work on what Noonan claimed were ‘communication issues’.

15. Noonan asked if Wolf was okay if he let Wyatt know about the subject of the meeting and Wolf said it did not matter to him if Wyatt knew how Wolf felt about his conduct.

16. Noonan contacted Wolf a day or two later to let him know they would have a meeting on Monday (January 13, 2020).

17. At the January 13 meeting, Wyatt told Wolf that Trek is terminating him for being disrespectful and going out of the chain of command.

18. Noonan was present for this meeting.

19. Wolf texted Noonan after Trek fired him and asked Noonan for an explanation for why he was fired. Noonan did not respond.

¹ Wolf has not quoted the actual racially abhorrent slur Wyatt used. Instead, his counsel abbreviated the word.

20. Wolf then contacted Asif Azar (Azar), Trek's Regional Manager and Noonan's boss. Wolf texted Azar a description of what happened and he said he felt he was owed an explanation for why Trek fired him.

21. Azar called Wolf and asked him specifics about what happened. Wolf told Azar that Wyatt had called rap music 'n***er music'. Azar gave Wolf no explanation for why Trek fired him other than saying he would have preferred it be handled differently.

22. Upon information and belief, Trek terminated Wyatt a few days after Wolf spoke with Azar and informed him about Wyatt's discriminatory conduct.

23. Upon information and belief, Trek put Noonan on a performance improvement plan and then eventually terminated him about a month later.

24. Upon information and belief, Trek terminated Wyatt and disciplined and then terminated Noonan in response to Wolf's complaints about Wyatt and how Trek responded to Wolf's complaints by firing him. However, Trek never contacted Wolf to offer him to return to work.

25. Trek fired Wolf in retaliation for his complaints about Wyatt's discriminatory conduct.

26. Wolf has suffered, is now suffering and will continue to suffer emotional distress, embarrassment, humiliation, inconvenience, mental anguish, career damage and other losses as a direct result of Trek's illegal conduct.

27. Trek engaged in intentional discrimination against Jacobsen with malice or reckless indifference to his rights under Title VII.

V. **CLAIMS**

Count I – Retaliation

28. Paragraphs 1 through 27 are incorporated by reference as if fully set forth herein.

29. The acts, failures to act, practices and policies of Trek set forth above constitute retaliation (retaliatory hostile work environment and retaliatory termination) in violation of Title VII, Section 1981, the PHRA and the Doylestown Borough Anti-Discrimination Ordinance.

30. As a result of Trek’s illegal retaliation, Wolf has suffered harms and losses in the form of back pay and benefits, front pay and benefits and emotional distress including anxiety, stress, humiliation, career damage and embarrassment.

WHEREFORE, Wolf demands judgment in his favor and against Trek for compensatory damages, back pay, front pay in lieu of reinstatement, lost benefits, negative tax consequence damages, punitive damages (under Title VII and Section 1981 only), exemplary damages (under the Doylestown Borough Anti-Discrimination Ordinance), attorney’s fees plus costs, declaratory relief that the conduct engaged in by Trek violated Wolf’s civil rights, equitable/injunctive relief directing Trek to cease any and all unlawful retaliation, and such other relief as the Court shall deem proper.

Respectfully submitted,

By: /s/ Scott M. Pollins
Scott M. Pollins/ Pa. Atty. Id. No. 76334
Pollins Law
303 W. Lancaster Ave., Ste. 1C
Wayne, PA 19087
(610) 896-9909 (phone)/(610) 896-9910 (fax)
scott@pollinslaw.com (email)

Date: 3/10/22

Attorney for Plaintiff, Daniel Wolf